

JOURNAL OF THE HOUSE

NINETIETH SESSION

THIRTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, March 9, 2015

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Connie Eichinger, followed by the Pledge of Allegiance led by House pages Christy Achen, Renee' Gallagher, and Seth Gerberding.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Wink to the following named pages:

2 Christy Achen, Renee Gallagher, Seth Gerberding, Gunner Gray, Israel Haile, Maria Lewis,
3 Jackson Neal, Jordan Poignee, Brooke Thorson, Molly Walker, Adam Walter, Morgan Ziegler.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. SPEAKER:

7 The Committee on Education respectfully reports that it has had under consideration
8 SB 125 and returns the same with the recommendation that said bill do pass and be placed on
9 the consent calendar.

10 Respectfully submitted,
11 Jacqueline Sly, Chair

12 Also MR. SPEAKER:

13 The Committee on State Affairs respectfully reports that it has had under consideration
14 SB 140, 141, and 142 and returns the same with the recommendation that said bills do pass.

15 Also MR. SPEAKER:

16 The Committee on State Affairs respectfully reports that it has had under consideration
17 SB 1 and returns the same with the recommendation that said bill be amended as follows:

18 1oe

19 On page 12 of the Senate engrossed bill, delete lines 3 to 10, inclusive.

20 1oh

21 On page 10, of the Senate engrossed bill, delete lines 2 to 24, inclusive, and insert:

22 "bridge reserve fund." Any tax levy imposed pursuant to this section is exempt from the tax
23 limitations imposed on a county pursuant to chapter 10-13.

24 Notwithstanding any other provision of law, any action by the board of county
25 commissioners to authorize a tax levy pursuant to this section is subject to the referendum
26 process in accordance with chapter 7-18A.

1 Section 21. The voters of an organized civil township at the annual township meeting may
2 authorize an annual property tax levy not to exceed fifty cents per thousand dollars of the
3 taxable valuation of the township for the secondary road capital improvement fund for projects
4 and purposes as defined in section 22 of this Act. The secondary road capital improvement tax
5 levy authorized by this section is in addition to the levies authorized in §§ 10-12-28 and
6 31-13-22. Any tax levy imposed pursuant to this section is exempt from the tax limitations
7 imposed on a township pursuant to chapter 10-13."

8 On page 11, delete lines 1 to 4, inclusive.

9 1 of

10 On page 5, line 9, of the Senate engrossed bill, delete "thirty-three" and insert "thirty-six".

11 On page 5, line 10, delete "sixty-six" and insert "seventy-two".

12 On page 5, line 11, delete "ninety-nine" and insert "one hundred eight".

13 On page 5, line 12, delete "thirty-two" and insert "forty-four".

14 On page 5, line 17, delete "ten" and insert "twenty".

15 On page 5, line 19, delete "eleven" and insert "twelve".

16 On page 5, line 23, delete "seventy-five" and insert "eighty".

17 On page 6, line 9, delete "ninety-nine" and insert "one hundred eight".

18 On page 6, line 10, delete "thirty-two" and insert "forty-four".

19 On page 6, line 12, delete "sixty-five" and insert "eighty".

20 On page 6, line 15, delete "thirty-three" and insert "thirty-six".

21 On page 7, line 1, delete "seventeen" and insert "eighteen".

22 On page 7, line 2, delete "thirty-three" and insert "thirty-six".

23 On page 7, line 3, delete "fifty" and insert "fifty-four".

24 On page 7, line 4, delete "sixty-six" and insert "seventy-two".

25 On page 7, line 5, delete "eighty-three" and insert "ninety".

26 On page 7, line 6, delete "ninety-nine" and insert "one hundred eight".

27 On page 7, line 7, delete "sixteen" and insert "twenty-six".

1 On page 7, line 8, delete "thirty-two" and insert "forty-four".

2 On page 7, line 10, delete "forty".

3 On page 7, line 11, delete "nine" and insert "sixty-two".

4 On page 7, line 12, delete "sixty-five" and insert "eighty".

5 On page 7, line 15, delete "seventeen" and insert "eighteen".

6 On page 8, line 2, delete "sixteen" and insert "eighteen".

7 On page 8, line 3, delete "nineteen" and insert "twenty-one".

8 On page 8, line 5, delete "twenty-two" and insert "twenty-four".

9 On page 8, line 8, delete "ninety-two" and insert "one hundred one".

10 On page 8, line 21, delete "twenty-two" and insert "twenty-four".

11 On page 9, line 6, delete "ninety-two" and insert "one hundred one".

12 1oj

13 On page 11, line 24, of the Senate engrossed bill, overstrike "four" and insert "five".

14 On page 12, line 2, delete "forty-eight" and insert "sixty".

15 1ok

16 On page 4 of the Senate engrossed bill, delete lines 4 to 7, inclusive, and insert:

17 "

18 (1) \$.24 per gallon on July 1, 2015, to June 30, 2016, inclusive;

19 (2) \$.26 per gallon on July 1, 2016, to June 30, 2017, inclusive; and

20 (3) \$.28 per gallon on and after July 1, 2017.".

21 On page 4, delete lines 11 to 14, inclusive, and insert:

22 "

23 (1) \$.10 per gallon on July 1, 2015, to June 30, 2016, inclusive;

24 (2) \$.12 per gallon on July 1, 2016, to June 30, 2017, inclusive; and

1 (3) \$.14 per gallon on and after July 1, 2017."

2 1ol

3 On page 9 of the Senate engrossed bill, delete lines 16 to 24, inclusive, and insert:

4 " 10-12-13. The board of county commissioners may levy an annual tax ~~not to exceed one~~
5 ~~dollar and twenty cents per thousand dollars of taxable valuation~~ as a reserve fund to be
6 accumulated and used for the purpose of ~~matching federal aid grants which have or may~~
7 ~~hereafter become available~~ maintaining, repairing, constructing, and reconstructing roads and
8 bridges as follows:

9 (1) One dollar and twenty cents per thousand dollars of taxable valuation, if the total
10 taxable valuation of the county is one billion dollars or less;

11 (2) Ninety cents per thousand dollars of taxable valuation, if the total taxable valuation
12 of the county is more than one billion dollars but less than two billion dollars; and

13 (3) Sixty cents per thousand dollars of taxable valuation, if the total taxable valuation of
14 the county is two billion dollars or more.

15 Moneys in the fund may be expended ~~in cooperation with the federal government~~ in the
16 laying out, marking, maintaining, constructing, and reconstructing roads and maintaining,
17 constructing, and reconstructing bridges, under the jurisdiction of the board of county
18 commissioners. The tax levy shall be in addition to all other levies authorized to be made by the
19 board of county commissioners for road and bridge purposes provided for in § 10-12-21. The".

20 1om

21 On page 12, after line 10 of the Senate engrossed bill, insert:

22 " Section 28. That § 32-25-4 be amended to read as follows:

23 32-25-4. Except as provided pursuant to § 32-25-7, no person may drive a vehicle upon the
24 national system of interstate highways at a speed in excess of ~~seventy-five~~ eighty miles per hour.
25 A violation of this section is a Class 2 misdemeanor."

26 1fy

27 On page 12, after line 10 of the Senate engrossed bill, insert:

28 " Section 28. That § 10-47B-14 be repealed.

29 ~~—10-47B-14. Any person having title to any fuel in storage subject to the fuel excise tax~~
30 ~~pursuant to § 10-47B-4 immediately prior to a tax increase under this chapter, is subject to an~~

~~inventory tax based on the gallons in storage as of the close of the business day preceding the effective date of the increased tax rate.~~

Section 29. That § 10-47B-15 be repealed.

~~10-47B-15. Any person subject to the tax imposed by § 10-47B-14 shall:~~

~~(1) Take an inventory to determine the gallons in storage for purposes of determining the inventory tax;~~

~~(2) Report the gallons listed in § 10-47B-14 on forms provided by the secretary; and~~

~~(3) Pay the tax due not more than thirty days after the prescribed inventory date.~~

Section 30. That § 10-47B-16 be repealed.

~~10-47B-16. In determining the amount of fuel tax due under §§ 10-47B-14 and 10-47B-15, the person may exclude the amount of fuel that will not be pumped out of the storage tank because the fuel is below the mouth of the draw pipe. For this purpose, the person may deduct two hundred gallons for a storage tank with a capacity of more than one thousand gallons and less than ten thousand gallons, and four hundred gallons for a storage tank with a capacity of ten thousand gallons or more.~~

Section 31. That § 10-47B-17 be repealed.

~~10-47B-17. The amount of the inventory tax imposed by § 10-47B-14 is equal to the tax rate indicated in § 10-47B-4 times the gallons in storage as determined under §§ 10-47B-15 and 10-47B-16."~~

104

On page 1, line 2, of the Senate engrossed bill, after "Dakota" insert "and to increase the maximum speed limit on interstate highways".

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 193 which was tabled.

Respectfully submitted,
Brian G. Gosch, Chair

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 99 and returns the same with the recommendation that said bill be amended as follows:

4 99ma

5 On the Senate engrossed bill, delete everything after the enacting clause and insert:

6 " Section 1. On June 29, 2015, the state treasurer shall transfer to the legislative priority pilot
7 program contingency fund, which is hereby created, the sum of one million dollars (\$1,000,000)
8 from the South Dakota risk pool fund created by § 58-17-120. The contingency funds are to be
9 made available in accordance with the provisions of §§ 4-8A-9, 4-8A-10, 4-8A-11, and 4-8A-
10 12. The contingency funds shall be used to fund legislative priority pilot programs. Interest
11 earned on money in the fund shall be deposited into the general fund."

12 99mta

13 On page 1, line 1, of the Senate engrossed bill, delete "Medicaid contingency" and insert
14 "risk pool".

15 On page 1, line 2, delete everything after "legislation" and insert ".".

16 On page 1, delete line 3.

17 And that as so amended said bill do pass.

18 Also MR. SPEAKER:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 SB 106 and returns the same with the recommendation that said bill be amended as follows:

21 106mc

22 On the Senate Appropriations Committee engrossed bill, delete everything after the
23 enacting clause and insert:

24 " Section 1. There is hereby created within the postsecondary technical institute facilities fund
25 a maintenance and repair subfund. On June thirtieth of each year the state treasurer shall transfer
26 any unobligated general funds appropriated through the annual general appropriations act for
27 the purposes of funding the ongoing operations of the public postsecondary technical institutions
28 to the postsecondary technical institute maintenance and repair subfund. Interest earned on
29 money in the subfund shall be credited to the subfund. Any money from gifts, grants, or other
30 funds may be deposited in the subfund. The money shall be continuously appropriated and
31 dispersed to the technical institutes proportionate to the replacement value of the buildings on
32 their respective campuses."

1 106mta

2 On page 1, line 1, of the Senate Appropriations Committee engrossed bill, after "provide"
3 insert "maintenance and repair".

4 On page 1, line 1, after "institutes" delete "," and insert "and".

5 On page 1, line 2, delete everything after "therefor" and insert ".".

6 106ca

7 On the Senate Appropriations Committee engrossed bill, delete everything after the
8 enacting clause and insert:

9 " Section 1. That § 13-39-29 be amended to read as follows:

10 13-39-29. The secretary of education, through the director, may receive, acquire, have
11 charge of, and operate all properties for the purposes authorized in this chapter. The secretary
12 may acquire by gift, subject to the provisions of § 5-24-12, or purchase real and personal
13 property for the use of career and technical education and may dispose of or transfer the same
14 whenever the purposes of this chapter are benefited. The secretary may not purchase, lease, sell,
15 encumber, or alienate any real property without the consent and prior approval of the
16 Legislature. The Bureau of Administration shall provide risk management services for any
17 properties used to provide postsecondary technical education pursuant to this chapter."

18 106cta

19 On page 1, line 1, of the Senate Appropriations Committee engrossed bill, delete
20 everything after "provide" and insert "for risk management services for properties used to
21 provide postsecondary technical education."

22 On page 1, delete line 2.

23 And that as so amended said bill do pass.

24 Also MR. SPEAKER:

25 The Committee on Appropriations respectfully reports that it has had under consideration
26 SB 39 and returns the same with the recommendation that said bill be amended as follows:

27 39ca

28 On page 1, line 4, of the Senate engrossed bill, delete "five million two" and insert "six
29 million eight hundred twenty-nine thousand four hundred dollars (\$6,829,400)".

1 On page 1, line 5, delete "hundred fourteen thousand three dollars (\$5,214,003)".

2 And that as so amended said bill do pass.

3 Also MR. SPEAKER:

4 The Committee on Appropriations respectfully reports that it has had under consideration
5 SB 52 and returns the same with the recommendation that said bill be amended as follows:

6 52aa

7 On the Senate engrossed bill, delete all amendments, thus restoring the bill to the printed
8 version.

9 And that as so amended said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on Appropriations respectfully reports that it has had under consideration
12 SB 53 and returns the same with the recommendation that said bill be amended as follows:

13 53na

14 On page 6, after line 7 of the printed bill, insert:

15 " Section 4. This Act is effective July 1, 2017.".

16 And that as so amended said bill do pass.

17 Also MR. SPEAKER:

18 The Committee on Appropriations respectfully reports that it has had under consideration
19 SB 54 and returns the same with the recommendation that said bill be amended as follows:

20 54na

21 On page 6, after line 9 of the printed bill, insert:

22 " Section 3. This Act is effective July 1, 2017."

23 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 55 and returns the same with the recommendation that said bill be amended as follows:

4 55ne

5 On page 9, between lines 8 and 9 of the Senate Appropriations Committee engrossed bill,
6 insert:

7 " Section 31. That chapter 23 of the 2014 Session Laws be amended by adding thereto a NEW
8 SECTION to read as follows:

9 Section 37: The state treasurer shall transfer to the state general fund two million four
10 hundred twenty thousand dollars (\$2,420,000) from the South Dakota risk pool fund created by
11 § 58-17-120."

12 55fb

13 On page 1, between lines 3 and 4 of the Senate Appropriations Committee engrossed bill,
14 insert:

15 " Section 1. That section 2 of chapter 23 of the 2014 Sessions Laws be amended to read as
16 follows:

17 DEPARTMENT OF EXECUTIVE MANAGEMENT

18 (3) Governor's Office of Economic Development

19 Operating Expenses, Other Funds, delete "\$20,623,225" and insert "\$59,363,218"

20 Adjust all totals accordingly."

21 55mb

22 On page 9, between lines 8 and 9 of the Senate Appropriations Committee engrossed bill,
23 insert:

24 " Section 31. That section 25 of chapter 23 of the 2014 Session Laws be amended to read as
25 follows:

1 SECRETARY OF STATE

2 (1) Secretary of State

3 Operating Expenses, General Funds, delete "\$260,446" and insert "\$302,549"

4 Adjust all totals accordingly."

5 55ni

6 On the Senate Appropriations Committee engrossed bill, delete the previously adopted
7 amendment (55ne).

8 On page 9, between lines 8 and 9 of the Senate Appropriations Committee engrossed bill,
9 insert:

10 " Section 31. That chapter 23 of the 2014 Session Laws be amended by adding thereto a NEW
11 SECTION to read as follows:

12 Section 37: The state treasurer shall transfer to the state general fund one million four
13 hundred twenty thousand dollars (\$1,420,000) from the South Dakota risk pool fund created by
14 § 58-17-120."

15 And that as so amended said bill do pass.

16 Also MR. SPEAKER:

17 The Committee on Appropriations respectfully reports that it has had under consideration
18 SB 91 and returns the same with the recommendation that said bill be amended as follows:

19 91nb

20 On page 1, line 4, of the Senate engrossed bill, delete "one dollar (\$1)" and insert "one
21 hundred fifty thousand dollars (\$150,000)".

22 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 92 and returns the same with the recommendation that said bill be amended as follows:

4 92nb

5 On page 1, line 4, of the Senate engrossed bill, delete "\$1" and insert "one hundred fifty
6 thousand dollars (\$150,000)".

7 And that as so amended said bill do pass.

8 Also MR. SPEAKER:

9 The Committee on Appropriations respectfully reports that it has had under consideration
10 SB 109 and returns the same with the recommendation that said bill be amended as follows:

11 109na

12 On page 2, line 4, of the Senate Appropriations Committee engrossed bill, delete "one
13 dollar (\$1)" and insert "one hundred fifty thousand dollars (\$150,000)".

14 And that as so amended said bill do pass.

15 Also MR. SPEAKER:

16 The Committee on Appropriations respectfully reports that it has had under consideration
17 SB 152 and returns the same with the recommendation that said bill be amended as follows:

18 152nc

19 On page 1, line 4, of the Senate Appropriations Committee engrossed bill, delete "one
20 dollar (\$1)" and insert "five hundred thousand dollars (\$500,000)".

21 And that as so amended said bill do pass.

22 Also MR. SPEAKER:

23 The Committee on Appropriations respectfully reports that it has had under consideration
24 SB 174 and returns the same with the recommendation that said bill be amended as follows:

25 174na

26 On the Senate Appropriations Committee engrossed bill, delete all amendments, thus
27 restoring the bill to the printed version.

1 174nc

2 On the Senate Appropriations Committee engrossed bill, delete the previously adopted
3 amendment (174na).

4 On page 1, line 4, delete "one dollar (\$1)" and insert "two million dollars (\$2,000,000)".

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on Appropriations respectfully reports that it has had under consideration
8 SB 176 and returns the same with the recommendation that said bill be amended as follows:

9 176nb

10 On page 1, line 5, of the Senate Appropriations Committee engrossed bill, delete "one
11 dollar (\$1)" and insert "two dollars (\$2)".

12 And that as so amended said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Appropriations respectfully reports that it has had under consideration
15 SB 181 and returns the same with the recommendation that said bill be amended as follows:

16 181na

17 On page 1, line 4, of the Senate Appropriations Committee engrossed bill, delete "one
18 dollar (\$1)" and insert "two dollars (\$2)".

19 On page 1, line 7, delete "one dollar (\$1)" and insert "two dollars (\$2)".

20 And that as so amended said bill do pass.

21 Respectfully submitted,
22 Justin R. Cronin, Chair

23 **MESSAGES FROM THE SENATE**

24 MR. SPEAKER:

25 I have the honor to return herewith HB 1107, 1118, 1143, 1209, and 1235 which have
26 passed the Senate without change.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has concurred in House
3 amendments to SB 168.

4 Respectfully,
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Munsterman moved that the House do concur in Senate amendments to HB 1059.

8 The question being on Rep. Munsterman's motion that the House do concur in Senate
9 amendments to HB 1059.

10 And the roll being called:

11 Yeas 57, Nays 11, Excused 2, Absent 0

12 Yeas:

13 Anderson; Bartling; Beal; Bolin; Bordeaux; Campbell; Conzet; Craig; Cronin; Deutsch;
14 DiSanto; Duvall; Feickert; Gibson; Gosch; Haggar (Don); Harrison; Hawks; Hawley;
15 Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer;
16 Kirschman; Langer; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);
17 Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;
18 Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stevens; Tulson; Verchio; Werner;
19 Westra; Willadsen; Zikmund; Speaker Wink

20 Nays:

21 Brunner; Greenfield (Lana); Haugaard; Kaiser; Klumb; Latterell; Marty; Russell; Stalzer; Wiik;
22 Wollmann

23 Excused:

24 Dryden; May

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the motion carried and the amendments were concurred in.

27 Rep. Wollmann moved that the House do concur in Senate amendments to HB 1179.

28 The question being on Rep. Wollmann's motion that the House do concur in Senate
29 amendments to HB 1179.

30 And the roll being called:

1 Yeas 65, Nays 2, Excused 3, Absent 0

2 Yeas:

3 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
4 DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
5 Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen
6 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson;
7 Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
8 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;
9 Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
10 Zikmund; Speaker Wink

11 Nays:

12 Kaiser; Marty

13 Excused:

14 Cronin; Dryden; May

15 So the motion having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the motion carried and the amendments were concurred in.

17 Rep. Munsterman moved that the Committee on State Affairs be instructed to deliver
18 SB 135 to the floor of the House, pursuant to Joint Rule 7-7.

19 Which motion was supported and the committee was so instructed.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Rep. Gosch moved that the report of the Standing Committee on

22 State Affairs on SB 69 as found on page 634 of the House Journal; also

23 State Affairs on SB 65 as found on page 637 of the House Journal; also

24 State Affairs on SB 66 as found on page 637 of the House Journal; also

25 State Affairs on SB 67 as found on page 638 of the House Journal be adopted.

26 Which motion prevailed.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 Rep. Gosch requested that SB 64 be removed from the Consent Calendar.

3 Which request was granted.

4 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

5 SB 97: FOR AN ACT ENTITLED, An Act to revise the allowable penalties for a person
6 admitted to drug court.

7 Was read the second time.

8 The question being "Shall SB 97 pass?"

9 And the roll being called:

10 Yeas 65, Nays 4, Excused 1, Absent 0

11 Yeas:

12 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
13 Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Haggar (Don); Harrison; Haugaard;
14 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
15 Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman;
16 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
17 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
18 Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
19 Zikmund; Speaker Wink

20 Nays:

21 Greenfield (Lana); Hickey; Marty; May

22 Excused:

23 Dryden

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 SB 2: FOR AN ACT ENTITLED, An Act to provide for the establishment of river basin
27 natural resource districts.

28 Was read the second time.

1 2ra

2 Rep. Solum moved that SB 2 be amended as follows:

3 On page 1, line 13, of the House Agriculture and Natural Resources Committee engrossed
4 bill, after "Codington" insert "including the city of Watertown".

5 On page 4, line 8, after "district" insert ", except the city of Watertown is included".

6 On page 4, line 18, after "class" insert ", except the city of Watertown is included".

7 The Speaker, being in doubt of the voice vote, called for a division of the House.

8 The Speaker declared the motion lost.

9 The question being "Shall SB 2 pass as amended?"

10 And the roll being called:

11 Yeas 51, Nays 18, Excused 1, Absent 0

12 Yeas:

13 Anderson; Bartling; Bolin; Bordeaux; Brunner; Conzet; Craig; Cronin; Duvall; Feickert;
14 Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison; Hawks; Hawley; Heinemann
15 (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb;
16 Langer; Latterell; McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson
17 (Kent); Qualm; Rasmussen; Ring; Romkema; Rozum; Schoenfish; Schrempp; Sly; Soli; Stalzer;
18 Stevens; Tulson; Werner; Westra; Wiik; Zikmund; Speaker Wink

19 Nays:

20 Beal; Campbell; Deutsch; DiSanto; Haugaard; Hickey; Kaiser; Marty; May; Novstrup (Al);
21 Rounds; Russell; Schaefer; Schoenbeck; Solum; Verchio; Willadsen; Wollmann

22 Excused:

23 Dryden

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 SB 51: FOR AN ACT ENTITLED, An Act to repeal the contingency funds available for
27 unanticipated costs related to medical services and to declare an emergency.

28 Was read the second time.

1 Rep. Gosch moved that SB 51 be placed to follow SB 68 on today's calendar.

2 Which motion prevailed.

3 SB 33: FOR AN ACT ENTITLED, An Act to extend resident tuition eligibility to the
4 spouses and children of active duty military personnel and of qualifying veterans.

5 Was read the second time.

6 The question being "Shall SB 33 pass?"

7 And the roll being called:

8 Yeas 69, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
11 Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
12 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean);
13 Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
14 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson
15 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
16 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;
17 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

18 Excused:

19 Dryden

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 SB 70: FOR AN ACT ENTITLED, An Act to require that the mandatory reporter who
23 witnessed the disclosure or evidence of child abuse or neglect be available to answer questions
24 when the initial report is made.

25 Was read the second time.

26 The question being "Shall SB 70 pass as amended?"

27 And the roll being called:

28 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
3 Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);
4 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean);
5 Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
6 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson
7 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
8 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;
9 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Dryden

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 191: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding capital
15 outlay certificates and lease purchase agreements of school districts and the pledge of state aid
16 to education funds to secure such obligations.

17 Was read the second time.

18 The question being "Shall SB 191 pass as amended?"

19 And the roll being called:

20 Yeas 69, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
23 Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);
24 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean);
25 Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
26 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson
27 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
28 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;
29 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

30 Excused:

31 Dryden

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

SB 13: FOR AN ACT ENTITLED, An Act to require certain persons convicted for human trafficking to register as sex offenders.

Was read the second time.

The question being "Shall SB 13 pass?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Excused:

Dryden

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 186: FOR AN ACT ENTITLED, An Act to revise the procedure for the execution of a warrant.

Was read the second time.

The question being "Shall SB 186 pass as amended?"

And the roll being called:

Yeas 68, Nays 1, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

1 Nays:
2 Haugaard

3 Excused:
4 Dryden

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the bill passed and the title was agreed to.

7 SB 95: FOR AN ACT ENTITLED, An Act to revise provisions related to human
8 trafficking.

9 Having had its second reading was up for consideration and final passage.

10 95rd

11 Rep. Haugaard moved that SB 95 be amended as follows:

12 On page 1, line 7, of the Senate Judiciary Committee engrossed bill, overstrike everything
13 after "from" and insert "knowingly participating in one or more of the acts described".

14 On page 1, line 8, overstrike "engaged in acts set forth".

15 On page 1, line 8, before "." insert "for the purposes described therein".

16 On page 2, delete lines 9 and 10, and insert:

17 "
18 (2) Benefits financially or by receiving anything of value ~~from participation in a venture~~
19 ~~that has engaged in acts set forth in this section, including services, and has~~
20 knowingly participated in one or more of the acts described in subdivision (1) for the
21 purposes described therein.".

22 Rep. Latterell moved the previous question.

23 The Speaker, being in doubt of the voice vote, called for a division of the House.

24 The Speaker declared Rep. Latterell's motion lost.

25 Rep. Haugaard's motion prevailed.

1 The question being "Shall SB 95 pass as amended?"

2 And the roll being called:

3 Yeas 69, Nays 1, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
6 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
7 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean);
8 Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
9 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson
10 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
11 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra;
12 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

13 Nays:

14 Kaiser

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill passed and the title was agreed to.

17 Rep. Gosch moved that SB 73 be placed to follow SB 51 on today's calendar.

18 Which motion prevailed.

19 SB 190: FOR AN ACT ENTITLED, An Act to clarify health coverage for applied behavior
20 analysis.

21 Was read the second time.

22 The question being "Shall SB 190 pass as amended?"

23 And the roll being called:

24 Yeas 65, Nays 2, Excused 3, Absent 0

25 Yeas:

26 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
27 Deutsch; DiSanto; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
28 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunt; Jensen
29 (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
30 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
31 Rasmussen; Ring; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
32 Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Wollmann; Zikmund;
33 Speaker Wink

1 Nays:
2 Russell; Willadsen

3 Excused:
4 Dryden; Hunhoff (Jean); Romkema

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the bill passed and the title was agreed to.

7 SB 132: FOR AN ACT ENTITLED, An Act to allow school districts to recruit teachers
8 by providing certain financial incentives.

9 Was read the second time.

10 Rep. Gosch moved that SB 132, 134, 154, 131, 178, 179, 180, 100, 68, 51, and 73 be
11 deferred to Tuesday, March 10, the 35th legislative day.

12 Which motion prevailed.

13 There being no objection, the House reverted to Order of Business No. 7.

14 **MESSAGES FROM THE SENATE**

15 MR. SPEAKER:

16 I have the honor to inform your honorable body that the Senate has failed to concur in
17 House amendments to SB 120 and has appointed Sens. Tidemann, Brock Greenfield, and Jim
18 Peterson as a committee of three on the part of the Senate to meet with a like committee on the
19 part of the House to adjust the differences between the two houses.

20 Respectfully,
21 Kay Johnson, Secretary

22 There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1082, 1122, 1142, and 1173 were delivered to his Excellency, the Governor, for his approval at 10:05 a.m., March 9, 2015.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1080, 1107, 1118, 1143, 1145, 1201, 1209, and 1235 and finds the same correctly enrolled.

Respectfully submitted,
Dean Wink, Chair

There being no objection, the House proceeded to Order of Business No. 8.

MOTIONS AND RESOLUTIONS

Rep. Gosch moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on Tuesday, March 10, the 35th legislative day.

Which motion prevailed.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1080: FOR AN ACT ENTITLED, An Act to authorize the use of investigational treatments for patients under certain conditions and to restrict certain causes of action arising from investigational treatment.

HB 1107: FOR AN ACT ENTITLED, An Act to revise the definition of certain alcoholic beverages that are classified as cider.

HB 1118: FOR AN ACT ENTITLED, An Act to provide for oversight of postsecondary technical institutes.

1 HB 1143: FOR AN ACT ENTITLED, An Act to increase the criminal violations that are
2 subject to protection orders.

3 HB 1145: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
4 payment of salary and compensation to legislators.

5 HB 1201: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
6 planning and zoning.

7 HB 1209: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
8 changes in terms of credit card agreements.

9 HB 1235: FOR AN ACT ENTITLED, An Act to update the valuation manual related to
10 the valuation of assets, liabilities, and reserves.

11 SB 3: FOR AN ACT ENTITLED, An Act to provide for mediation of certain drainage
12 disputes.

13 SB 17: FOR AN ACT ENTITLED, An Act to revise the definition of motor vehicles that
14 are subject to the lemon law.

15 SB 43: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding lease
16 purchase agreement payments and to ratify certain lease purchase agreements with the Health
17 and Educational Facilities Authority.

18 SB 48: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
19 operation of personal watercraft.

20 SB 50: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
21 Authority to provide for the construction, reconstruction, renovation, and modernization of state
22 park facilities and infrastructure at Custer State Park for the Department of Game, Fish and
23 Parks, to make an appropriation therefor, and to declare an emergency.

24 SB 98: FOR AN ACT ENTITLED, An Act to revise the provisions related to the financial
25 accountability system.

26 SB 101: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding
27 cancer treatment medication coverage by insurance companies.

28 SB 108: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
29 aggravated DUI's.

30 SB 119: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
31 abandoned mobile and manufactured homes.

32 SB 126: FOR AN ACT ENTITLED, An Act to revise certain publications date citations
33 for references to the International Building Code and International Property Maintenance Code.

1 SB 159: FOR AN ACT ENTITLED, An Act to exempt certain amateur sports coaches
2 from sales and use tax.

3 SB 161: FOR AN ACT ENTITLED, An Act to allow certain fireworks to be used all year.

4 SB 172: FOR AN ACT ENTITLED, An Act to strengthen the financial practices of the
5 State of South Dakota.

6 SB 173: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
7 environment fund, the water pollution control revolving fund subfund, and the drinking water
8 revolving fund subfund for various water and environmental purposes, to revise the state water
9 plan, to increase the authority of the South Dakota Board of Water and Natural Resources to
10 make consolidated water facilities construction program awards, and to declare an emergency.

11 And signed the same in the presence of the House.

12 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
13 4:15 p.m. the House adjourned.

14 Arlene Kvislen, Chief Clerk